

## **REMARKS**

### **I. INTRODUCTION**

Claims 1 and 18 have been amended. No new matter has been added. Claim 17 was previously cancelled. Thus, claims 1-16, 18 and 19 remain pending in this application. It is respectfully submitted that based on the following remarks, all of the presently pending claims are in condition for allowance.

### **II. THE 35 U.S.C. § 112 REJECTIONS SHOULD BE WITHDRAWN**

The Examiner rejected claims 1-13, 17-23, 25 and 26 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (See 07/26/07 Office Action p. 2). Applicants respectfully point out that claim 17 has been previously cancelled and that the presently pending application contains no claims above number 19. As such, Applicants will treat the rejection as pertaining to claims 1 and 18 only.

Claims 1 and 18 have been amended to specifically recite the unit sending and receiving the claimed signals. Therefore, Applicants respectfully submit that the 35 U.S.C. § 112 rejections be withdrawn.

### **III. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN**

Claims 1-16, 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0180640 to Gilkes et al. (hereinafter "Gilkes") in view of U.S. Patent Publication No. 2002/0085719 to Crosbie (hereinafter "Crosbie"). (See 07/26/07 Office Action, p. 3).

Gilkes describes a Bluetooth-equipped, wireless communications device 5A broadcasting a message over the Bluetooth link 62. (See Gilkes paragraph [0042]). Device 5A sends signals of varying strengths to location markers 1A, 2A, 3A and 4A, each location marker thereafter responds to the signals by supplying their Cartesian coordinates to device 5A. (See Gilkes paragraph [0042]). If the receiving markers provide their coordinates to device 5A in response to a low power level signal, then the location determiner of device 5A determines that device 5A lies within a predetermined distance (i.e. 10 meters) of the Cartesian coordinates specified in the marker responses. (See Gilkes paragraph [0042]). If the receiving markers provide their coordinates to device 5A in response to a high power level signal, then the location determiner of device 5A determines that device 5A lies within another predetermined distance (i.e. 100 meters) of the Cartesian coordinates specified in the marker responses. (See Gilkes paragraph [0042]).

The Examiner asserts that the recitations of claims 1 and 18, in their entirety, are taught by Gilkes in paragraphs [0042] – [0046], except for the recited low threshold level. (See 07/26/07 Office Action, pp. 3-4). Applicants respectfully disagree. In Gilkes, the **mobile device** attempting to determine its location sends out two signals. The first signal is a high-powered signal and the second signal is a low-powered signal. If a marker receives either of the two signals, then the marker responds with its Cartesian coordinates. (See Gilkes, paragraph [0042]). Thus, in Gilkes the unit attempting to determine its location is the device that sends out the high-powered and low-powered signals. In contrast, claim 1 recites the access point transmitting both the high-powered and low-powered signals. Specifically, claim 1 recites “means for transmitting a first signal at a relatively high power, from an access point” and “means for transmitting a second signal at a predetermined, relatively low power, from said access point.” The mobile device receives these signals and determines its location. There is only one-way communication from the access point to the mobile device. In Gilkes, however, there is two-way communication between the marker and the mobile device. Thus, Applicants submit that Gilkes does not teach or suggest the recitations of claim 1.

Applicants further submit that Crosbie does not cure the above-described deficiencies of Gilkes with respect to claim 1. Accordingly, the rejection of claim 1 should be withdrawn. Because claims 2-16 and 19 depend from, and therefore include all the limitations of claim 1, it

is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 1.

Claim 18 recites “a first transmitter for transmitting a first signal at a relatively high power, from an access point” and “a second transmitter for transmitting a second signal at a predetermined, relatively low power, from said access point.” Thus, for the same reasons as discussed above for claim 1, claim 18 is also allowable.

**CONCLUSION**

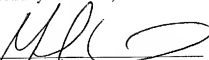
In view of the above remarks, it is respectfully submitted that all the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

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